



**Homeland  
Security**

July 20, 2007

Mr. David Walker  
Comptroller General  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Comptroller General Walker:

The Department of Homeland Security (DHS) appreciates the opportunity to review and provide comments on the draft report submitted by the Government Accountability Office (GAO) entitled *Department of Homeland Security, Progress Report on Implementation of Mission and Management Functions* (GAO Report). As you know, this report looks at the Department's first four years although GAO has repeatedly observed that "successful transformations of large organizations, even those faced with less strenuous reorganizations than DHS, can take at least five to seven years to achieve."

To conduct its broad study, GAO devised 171 individual performance expectations, categorized into 14 mission and management areas. GAO assessed DHS as having "Generally Achieved" 78 of those performance expectations. We were pleased to see that GAO recognized our progress in these areas. We disagree, however, with many of GAO's remaining assessments (including those discussed in the Enclosure). While we disagree with many of the conclusions reached by GAO and with the methodological approach that was used, we are very appreciative of the frank and open communication with GAO that has been established during recent months and the final stages of GAO's work on this report. We look forward to continuing this cooperative approach.

We continue to believe, however, that the GAO Report is based on a flawed methodology that results in an inaccurate representation of the Department's progress and fails to accurately reflect the Department's progress in many specific program areas. This is not the first time that the Department has expressed concerns over the methodology and content of the GAO Report.

In late February 2007, GAO provided the Department an initial Statement of Facts, which evaluated the Department's progress over its first four years. GAO officials relied almost exclusively on previous, outdated reports to rate the Department's performance on a subjective, binary scale of "Generally Addressed" or "Generally Not Addressed." GAO indicated that an assessment of "Generally Addressed" was given where analysts determined that DHS had "taken steps to effectively satisfy most of the key elements of the performance expectation." GAO neither defined "effectively satisfy," nor identified the key elements or criteria associated with each performance expectation. Accordingly, the initial Statement of Facts and its assessments provided little insight into how GAO had evaluated the Department's activities.



After personally reviewing the initial Statement of Facts, Secretary Chertoff wrote to you on March 7, 2007 expressing his concerns and offering to work with GAO "to ensure the final GAO statement fully reflect[ed] the Department's achievements over the past four years." Shortly thereafter, the Department provided GAO with thousands of pages of documents explaining how key programs were on track and a detailed 100-plus-page explanation of the Department's overall progress. Over many weeks, the Department continued to provide additional documentation and meet with GAO officials to demonstrate how DHS was addressing various program areas and performance expectations.

In late May 2007, GAO officials submitted a Revised Statement of Facts which altered the standard for judging the Department's progress without prior warning or consultation with the Department. Specifically, the Revised Statement of Facts indicated that the Department's progress would now be rated as "Generally *Achieved*" or "Generally Not *Achieved*," rather than as "Generally *Addressed*" or "Generally Not *Addressed*." The practical differences between these standards go well beyond semantics, as the change reflects a difference in how the performance expectations would be perceived—"addressed" suggests that a program is on track, whereas "achieved" indicates final completion. In addition, GAO still did not articulate the "key elements," end-goals to be "achieved," how these goals were set and by whom.

Based on this new standard, GAO downgraded its assessments of the Department in 28 performance expectations to "Generally Not Achieved." In 24 such instances, the Department went from "No Assessment Made" to "Generally Not Achieved." These changes were particularly surprising in light of the extensive documentation and materials describing the Department's progress and the successes of its programs and activities that were provided to GAO. As discussed below and in the Enclosure, we believe the downgraded assessments are not supported by the facts.

The binary "Achieved"/"Not Achieved" standard ultimately adopted by GAO is particularly ill-equipped to evaluate the Department's progress accurately in a multi-year endeavor, especially when DHS is only a few years into the project. For example, although GAO officials have indicated that the Department's Secure Border Initiative (SBI) is "on a trajectory" towards achievement, the Department received a score of "Generally Not Achieved" in this performance expectation because it had not yet fully completed the goals of the entire SBI program. GAO's assessments of multi-year programs are thus at odds with GAO's own disclaimer that its assessments are "not meant to imply that DHS should have fully achieved the performance expectation by the end of its fourth year."

We are also concerned with the apparent shifting of the already nontransparent criteria for the performance expectations used by GAO to assess the Department. In many instances where the Department provided GAO with supplemental information which we believe directly addressed specific criteria discussed in the initial or Revised Statement of Facts, GAO acknowledges DHS's new information, yet either does not fully consider its significance, or includes additional criteria for that performance expectation that were not previously provided to the Department. In some cases, this new criteria contained in the GAO Report goes beyond the scope of the performance expectation itself. For instance, GAO's assessment of the Department's efforts to implement a strategy to detect and interdict illegal flows of cargo, drugs, and other items



illustrates this point. The Revised Statement of Facts indicated that GAO's assessment was based in part on GAO's belief that the Department had not established or met milestones for achieving relevant goals. After GAO was provided with information to the contrary, GAO simply dropped its reference to those criteria and added language regarding new criteria, including the criticism that the Securing America's Borders at the Ports of Entry Strategic Plan was "in the early stages of implementation." Notably – where the performance expectation asks whether the Department has "implemented" a strategy – GAO's observation actually supports an assessment of "Generally Achieved" rather than the assessment given by GAO.

Moreover, there appears to have been no effort to "normalize" the process by which GAO officials made assessments across the entire spectrum of 171 performance expectations. As a result, GAO analysts in various mission and management areas could have evaluated the Department's performance differently. The vague descriptions of "Generally Addressed" – and subsequently of "Generally Achieved" – do not appear to provide detailed guidance to support these determinations. Therefore it is difficult to understand the level of consistency applied in evaluating the performance expectation criteria or the assessments based upon them.

Furthermore, the GAO Report treats all of the performance expectations as if they were of equal significance. While all of the 171 performance expectations included in the GAO Report are important, they are not of the same priority when it comes to securing the nation's homeland. GAO admits that it did not weigh the relationship between each performance expectation with the Department's overall priorities and mission. In contrast, the Department uses a risk-based approach to consider its overall priorities and mission in choosing where to focus its limited resources. The GAO Report indicates that DHS has made the greatest progress in several areas that it identified as priorities. For example, the Secretary has focused the Department's resources on securing transportation modes given the nature of the September 11, 2001 attacks. The GAO Report recognizes that the Department has indeed made great strides, giving the Department an assessment of "Generally Achieved" in 37 out of 50 performance expectations in that area.

In addition to these methodological concerns, we further believe that many of the specific assessments do not reflect the significant progress made by the Department over the past four years. Prime examples include:

- The GAO Report's assessment that the Department has "Generally Not Achieved" the goal of detecting and identifying illegal border crossings understates the importance of our successful efforts to deploy 6,000 National Guard agents to the border, to increase Border Patrol staffing by 30 percent since 2001, and to begin implementation of the comprehensive SBI Program. U.S. Customs and Border Protection (DHS-CBP) Border Patrol apprehensions for the first three quarters of FY 2007 are down 24 percent compared to the previous year along the southwest border, indicating a significant decline in illegal cross-border activity between ports of entry. The Yuma, Arizona, and Del Rio, Texas, sectors experienced the greatest declines, with decreases of 68 percent and 51 percent, respectively. The number of other-than-Mexican alien apprehensions dropped 48 percent along the southern border. The decrease in other-than-Mexican apprehensions reduces the time agents spend transporting and processing, and increases the time spent patrolling the border. Moreover, we have ended the practice of "catch and release" for other-than-Mexican apprehensions along the border.




- The assessment that the Department has not established standards and procedures for effective airport perimeter security and to control access to secured areas similarly do not give proper consideration to the extensive documentation provided to GAO by the Department's Transportation Security Administration (DHS-TSA), which demonstrates its substantial progress in these areas. As a result, the report does not give DHS proper credit in the development of the Aviation Inspection Plan to implement the Aviation and Transportation Security Act; and disregards the detailed action plan addressing all GAO recommendations from its 2004 audit. The report also does not reflect the many processes already in place to improve airport perimeter security and access controls.
- The report's assessment that the Department has "Generally Not Achieved" the goal of establishing, coordinating, and implementing a single, all hazards national response plan does not take into account the Department's achievements in this area. In fact, the Department issued the National Response Plan (NRP) in December of 2004. With regard to implementation, the Department has actively trained Federal, state and local government and non-governmental leadership and first responders since the plan's release through a formal roll-out process, an on-line training course, workshops, and regular exercises. The NRP is an organic document and is currently being reviewed and potentially revised to reflect lessons learned. In the meantime, however, the existing NRP continues to serve as a single, all-hazards national response plan.

The Enclosure contains a more detailed discussion of these and other particularly problematic assessments contained in the GAO Report. The Department went to great lengths to provide GAO with information related to these and other performance expectations, taking the initiative to provide GAO with the detailed 100-plus-page response and other supplemental information referred to above. The Department's cooperation in this instance reflects our continued efforts to provide GAO with appropriate access to information in a timely manner.

We are committed to strengthening DHS's management and operational capabilities, and I hope your final report will capture that commitment. We are proud of what DHS has accomplished in the face of the many challenges we face. Thank you for this opportunity to comment. We look forward to continuing the cooperative approach that was followed in preparing this report.

Sincerely,



Paul A. Schneider  
Under Secretary for Management

Enclosure